

SENATE GENERAL WELFARE COMMITTEE AMENDMENT 1

Amendment No. 1 to SB0907

Ford J
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 907

House Bill No. 605*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Education and Prevention Pilot Program for Hepatitis C Act".

SECTION 2. The department of health shall develop a pilot program to heighten awareness and enhance knowledge and understanding of hepatitis C. The department shall:

- (1) Conduct health education, public awareness, and community outreach activities to promote public awareness and knowledge about the risk factors, the value of early detection, available screening services, and the options available for the treatment of hepatitis C;
- (2) Provide training to public health clinic staff regarding the treatment, detection, and methods of transmission of hepatitis C;
- (3) Identify to health care providers the benefits of disease awareness and prevention; and
- (4) Develop a prevention program to reduce the risk of transmission of hepatitis C.

SECTION 3.

(a) The department shall establish a voluntary hepatitis C testing pilot program to be performed at health department clinics in Fayette, Hardeman, Haywood, Lauderdale, Tipton, and Madison Counties to make confidential hepatitis C counseling and testing available.

(b) The department may contract with public and private entities to perform the testing as necessary relative to local circumstances.

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(c) The results of a test conducted by a testing program or a department program under this section may not be used for insurance purposes, to screen or determine suitability for employment, or to discharge a person from employment. The test results shall only be made available to the individual tested and to the health care providers approved in writing by that individual.

(d) A person who intentionally violates subsection (c) is liable to a person injured by the violation. The injured person may bring a civil action for damages and may recover the following for each violation from a person who violates subsection (c):

- (1) The greater of one thousand dollars (\$1,000) or actual damages; and
- (2) Reasonable attorney's fees.

(e) In addition to the remedies provided by subsection (d), the person may bring an action to restrain a violation or threatened violation of subsection (c).

SECTION 4.

(a) The department shall develop and offer a training course for people who provide hepatitis C counseling. The training course shall include information relating to the special needs of people with positive hepatitis C test results, including the importance of early intervention and treatment and recognition of psychosocial needs.

(b) During the pilot project, the department shall maintain a registry of people for the pilot period who successfully complete the training course.

(c) The department may charge a fee for the course to people other than employees of entities receiving state or federal funds for hepatitis C counseling and

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testing programs through a contract with the department. The department shall set the fee in an amount to cover the costs of providing the course.

(d) The department may contract for the training of counselors.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. The costs directly associated with the pilot project that are incurred by the department shall come from non-state resources unless funds are appropriated for the pilot project by the General Assembly.

SECTION 7. An evaluation report of the status of the pilot project and any recommendations for extension or expansion of the projects, or for any recommended statutory changes, shall be submitted to the chair of the Senate committee on General Welfare and to the chair of the House Committee on Health and Human Resources by January 1, 2003. The pilot project established pursuant to this act shall terminate on September 30, 2002, unless otherwise extended by the general assembly.

SECTION 8. This act shall take effect October 1, 2001, the public welfare requiring it.